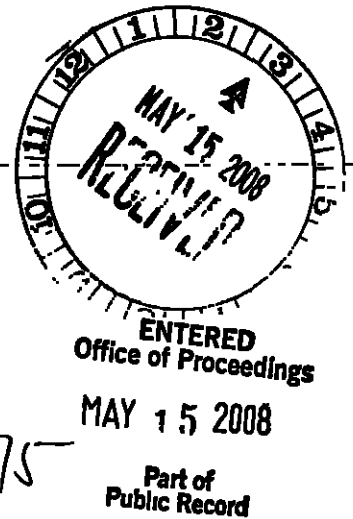


May 15, 2008  
By hand delivery to the STB

The Honorable Anne Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423



**Re: Request to Toll Period for Submission of OFA**

**Docket No. AB-1017X - West Short Railroad Company -**  
Abandonment Exemption - Mifflinburg Branch, Union and  
Northumberland Counties PA, and

**Docket No. AB- 1018X - Union County Industrial Railroad Company -**  
Discontinuance of Service Exemption - Mifflinburg Branch in Union  
County, PA

Dear Ms Quinlan

By letter of April 29th, the Offeror submitted an Expression of Intent to file an Offer of Financial Assistance<sup>1</sup> For the reasons below, and in an effort to accommodate community interests, the Offeror petitions the Board to toll the period for the submission of an OFA This request is set forth in more detail at the end of this petition

**Background**

The Offeror filed an Expression for the purchase of the Mifflinburg Branch or a portion thereof. The Branch can be bifurcated into two portion the Lewisburg portion that runs from MP 0 0 in Montandon, PA westward to approximately MP 2 2 (at MP 2 2 it connects with another rail line) in Lewisburg, PA, and, the Mifflinburg portion that runs from approximately MP 2 2 westward to the end of the line at approximately MP 11 8 in Mifflinburg, PA At the end of the line, in Mifflinburg, there is an active industry park with manufactures utilizing a significant amount of trucking Several years back, some of those businesses did utilize rail when the line was in service In addition, there are other

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<sup>1</sup> The Expression was filed pursuant to the STB Notice published in the Monday, April 21st edition of the Federal Register, Vol 73, No 77 concerning AB-1017X and AB-1018X

smaller bulk businesses along or near the line. The Offeror believes that looking forward

in light of general trends, there is a reasonable possibility that the Branch could be returned to viable service.

After discussions with various members in the community, preserving the corridor for possible rail use seems to be of mutual interest, but, the Offeror's impression is that the more immediate community preference is to have the line converted to interim trail use.<sup>2</sup>

In that regard, the Lewisburg Area Recreation Authority ("LARA"), through its representative, filed a letter with the Board on April 23rd indicating it is prepared to establish interim trail use and railbanking of the Branch under section 8(d) of the National Trails Act, 16 USC Section 1247(d). In that letter, LARA acknowledges the use as an interim trail remains "subject to possible future reconstruction and reactivation of the right of way for rail service". The letter then goes on to request the Board grant LARA 180 days from the effective date of the authorization from the Board to finalize its *conditional* purchase of the Branch.

Though the Offeror would like to see revitalization the line, it also appreciates a larger desire by the community for interim trail use as exhibited by LARA's interest.

#### Request to Toll

1 In order to permit LARA an opportunity to complete its conditional purchase, but not lose the ability to submit an OFA if LARA is unable to complete a purchase of the Branch, the Offeror request its time for submitting an OFA be tolled for a period determined by the Board (plus any subsequent time extensions granted to LARA by the Board) in order for LARA to attempt to complete and receive Board authorization for its conditional purchase of the Branch. Further, Offeror has no objection to LARA's request

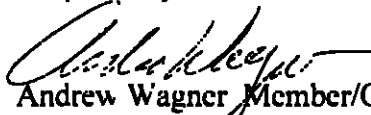
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<sup>2</sup> The Offeror's impressions are those of its own and not intended to directly reflect those of any entity or individual in the community with whom Offeror discussed the potential for revitalizing the line for rail use.

for 180 days complete a purchase and receive the Board's approval. If LARA is successful in acquiring the Branch within the time granted by the Board, then the Offeror consents that its Expression of Intent to file an OFA would be deemed withdrawn at that time. If LARA is not successful in acquiring the Branch within the time granted by the Board, then Offeror asks that the tolling period be lifted at the end of that period, and, from that date the Offeror be permitted 30 days to submit its OFA. To simplify matters for the Applicants, the Offeror also asks, the time period for Applicants to furnish information requested in Offeror's April 29th Expression be tolled until the expiration of the period granted by the Board for LARA to acquire the line. This request to toll may seem somewhat unusual, but it reflects an effort to cooperate with LARA yet not forego the Offeror's opportunity to submit an OFA if LARA fails in its efforts. This approach also seems consistent with the policy objective of conserving rail corridors and rail opportunity.

2 In the alternative, if the above request is denied by the Board, then the Offeror requests the period for it to submit an OFA be extended for an additional 45 days from the Board's date of its decision on this request. Although there have been some initial discussion with the Applicant's representative, the Offeror has not yet received the information requested in its April 29th Expression from the Applicants (or an acknowledgement of what specific items requested in the Expression are not available). This information is needed by Offeror to make appropriate analysis and determinations.

Respectfully submitted,

  
Andrew Wagner, Member/Officer  
Mifflinburg Rail Company ("Offeror")  
1785 Groveway Drive  
Germantown, TN 38139

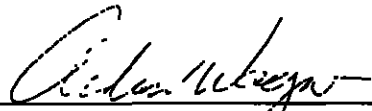
Enc 10 unstapled copies and Certificate of Service

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## **CERTIFICATE OF SERVICE**

I hereby certify that on this 15th day of May, 2008, I caused the foregoing Petition to Toll the Period for Filing and Offer of Financial Assistance to be served upon the Applicants, West Shore Railroad Corporation and Union County Industrial Railroad Company, by USPS next business day delivery addressed to the Applicants' representative

Richard Wilson, Esq  
Vuono & Gray LLC  
127 Lexington Avenue Suite 100  
Altoona, PA 16601

  
\_\_\_\_\_  
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